

Remarks

Reconsideration of this Application is respectfully requested. Applicant has made only a few amendments to the pending claims, and added several new claims based on Examiner remarks. Specifically, Applicant has made minor typographical amendments to allowed claims 1 and 4, and objected claims 10 and 12.

Applicant has also amended claim 7 to include the step of establishing a write counter value and clarify the scope of the term write counter value. Applicant has provided this clarifying language in response to Examiner remarks that the Examiner has interpreted the term "write counter value" as being a broad term to include any numerical values that are written into the memory of a computer system. The clarifying language in the amended claim 7 clarifies the scope of the phrase "write counter value" based on the existing specification, and places the claim into allowable format.

Applicant has also amended claim 15, 16 and 17 in response to Examiner remarks. These amendments amend the element lock to provide for a locking system that creates locks and repeat the clarification to the scope of the phrase "write counter value."

Upon entry of the foregoing amendment, claims 1-25 are pending in the application, with Claims 1, 7, 15, 21-25 being the independent claims. No claims are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 21-25 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 7-9 and claims 15-20 have been rejected under 35 U.S.C. §102(e) as being anticipated by Beizer et al. (U.S. Patent No. 6,240,414, hereinafter Beizer Patent). Applicants respectfully traverse this rejection.

Applicant respectfully submits that the Beizer Patent does not disclose or suggest each and every element in Applicant's claim 7, as amended herein. A claim is anticipated only if each and every element set forth in the claim is found in a single prior art reference. MPEP § 2131. The examiner refers to FIG. 3D of the Beizer Patent to support the rejection of claim 7. FIG. 3D of the Beizer Patent provides a flowchart of the reconciliation of a single-valued data element which is added or updated by a user in an environment where multiple users may be accessing the same file. Beizer Patent at Col. 7, Line 25-27. The method described in FIG. 3D compares a data element within an updated work folder to the current master copy of the work folder. The individual data element is examined to see if any changes have been made by comparing the updated work folder to the original copy of the work folder. Beizer Patent at Col. 7, Line 36-37. The comparison is done by comparing the edited data element in the updated work folder to the existing data element in the current master copy.

The process described in FIG. 3D of the Beizer Patent differs significantly from the process disclosed in Claim 7 of the present invention, as amended herein. Claim 7 has been amended to include the step of establishing a write counter value for a primary page and a write counter value for an associated mirror page, wherein a write counter value represents whether changes have occurred to a page. The Beizer Patent does not disclose or suggest the use of such a step. In fact the Beizer Patent teaches away of such

a step by using a user data element within a page, rather than creating a write counter value that is distinct from any user data element within a page for recovering consistency after a process crash.

Furthermore, as described in the Applicant's Amendment and Reply, dated November 13, 2003, the Beizer Patent does not disclose the use of comparing a write counter value, rather the Beizer Patent compares each individual data element within a page to determine whether a page has changed.

Because at least the above discussed elements of independent claim 7 are nowhere disclosed or suggested in the Beizer Patent, the Beizer Patent cannot render unpatentable independent claim 7. Reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection is respectfully requested.

Claims 8-14 depend on Claim 7, and are also patentable over the Beizer Patent. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments apply a fortiori to the dependent claims. Thus claims 8-14 are also patentable over the Beizer Patent. Furthermore, the Examiner has indicated that claims 10-14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, thereby confirming that the subject matter of claims 10-14 is not disclosed in the Beizer Patent.

Applicant respectfully submits that the Beizer Patent does not disclose or suggest each an every element in Applicant's claim 15, as amended herein. As amended herein, claim 15 includes a locking system that creates and manages a lock associated with the primary page and the associated mirror page to determine whether a write operation or a read operation should be permitted to occur. The Beizer Patent does not disclose a

locking system that creates and manages locks associated with pages. Applicant further respectfully disagrees with the Examiner's view that the Beizer Patent discloses a data consistency and recovery computer system that includes a lock to control read and write operations based on changes in pages. Rather, the Beizer Patent relies on user changes to data to create differences between pages to serve a means to compare documents to determine if they have changed.

Because at least the above discussed elements of independent claim 15 are nowhere disclosed or suggested in the Beizer Patent, the Beizer Patent cannot anticipate independent claim 15. Reconsideration and withdrawal of the 35 U.S.C. § 102(e) rejection is respectfully requested.

The Examiner has indicated that claims 17 and 20 are directed entirely to process steps, and therefore do not carry patentable weight. Applicant respectfully disagrees. Claim 17, as amended herein, and claim 20 provide limitations to elements disclosed in claim 15, and therefore do carry patentable weight.

The Examiner has also rejected claims 18 and 19, and indicated that the element of a lock is optionally recited in claim 15, and therefore does not necessarily limit the invention or carry patentable weight. As amended herein, a lock is not optionally stated in claim 15. Therefore claims 18 and 19 do carry patentable weight.

Claims 16-20 depend upon claim 15 and are therefore patentable over the Beizer Patent. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments apply a fortiori to the dependent claims. Thus claims 16-20 are also patentable over the Beizer Patent.

New claims 21 through 25 are patentable over the Beizer Patent. The Examiner has indicated that claims 10-14 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 21 through 25 rewrite claims 10 through 14, respectively, including the limitations of independent claim 7. Thus claims 21 through 25 are also patentable.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michael D. Specht".

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